

## VIRGINIA ROANOKE RIVER BASIN ADVISORY COMMITTEE

Charlotte Court House, Virginia

June 2, 2010

**Virginia Roanoke River Advisory Committee:** Senator Frank Ruff, Senator Roscoe Reynolds, Delegate Thomas Wright, Haywood Hamlet, John Feild, Mike McEvoy, Walter Coles, Tim Pace, Read Charlton, Russ Johnson

**Others:** Vernon Wilson, Cole Poindexter, Frank Simms, Theresa Rogers, Jerry Lovelace, Willie Jones, Anne Cockrell, Katie Whitehead, Tim Wagner, Randy Arno, Carl Garrison

### **Staff present:**

Scott Kudlas, VA DEQ ; Jason Ericson, VA DEQ

### **Welcome**

Haywood Hamlet, Charlotte County Board of Supervisors, and R.D. Clark, Charlotte County Administrator, welcomed everyone to Charlotte County.

### **Call to Order**

Chairman McEvoy called the meeting to order and requested introductions from all the meeting attendees. He stated that Evelyn Janney was unable to attend the meeting due to a family situation but expressed gratitude for the well wishes she has received.

### **Minutes**

Upon a motion by Senator Ruff, seconded by Mr. Hamlett, minutes of the March 31, 2010 meeting were unanimously approved.

### **Sub-Committee Reports**

*Agriculture and Forestry Sub-Committee:* Carl Garrison, Virginia State Forester, provided a presentation on the *State of the Forest*. A copy of the presentation is an official part of these minutes. The presentation provided a status update on forest health, forest ownership, the forest industry and initiatives of the Virginia Department of Forestry in Virginia. Forest cover currently represents 62% of Virginia's area or 15.7 million acres. Forest ownership in 2001 was 66% individual owners, 13% corporate, 7% Forest Industry and 14% public lands. Mr. Garrison noted that the forest industry ownership is in decline with Timberland Investment Management Organizations (TIMOs) and Real Estate Investment Trusts (REITS) purchasing much of the divested land. The forest products industry and related activities generate approximately \$27.5 billion annually. Virginia is the 4<sup>th</sup> largest hardwood exporter in the nation. Virginia is currently losing approximately 27,000 acres of forestland to other uses annually. Mr. Garrison cited the following challenges for Virginia DOF and the forest industry; forest fire protection and forestry inspections with limited staff resources, forest conservation and sustainability, economic viability of Virginia's forest products in a globalized environment and forest health.

Mr. Garrison, provided a discussion of DOF's responsibilities and authorities relating to ensuring forestry operations do not negatively impact water quality. DOF staff inspects every forestry operation, approximately 5,000 every year, at least twice. There was discussion regarding voluntary forestry BMPs and DOF's enforcement capabilities regarding BMPs. Mr. Garrison clarified that DOF has the authority to ensure that waterways are not negatively impacted by a forestry operation but does not mandate particular BMPs. Forestry is estimated to contribute approximately 3% of sediment reaching the Chesapeake Bay. Mr. Garrison also fielded a question regarding tax incentives for maintaining forestland.

*Water Allocation Ad Hoc Committee Report*: Chairman McEvoy presented an overview of the *March 2010 Status Report* of the Roanoke River Basin Bi-State Commission (RRBBC) Water Allocation Ad Hoc Committee. The Report provides a policy purpose, a declaration of policy and five potential alternatives for allocation of the remaining municipal and industrial (M&I) storage in Kerr Reservoir.

The VRRBAC did not have any comments on the Policy Purpose. The Declaration of Policy generated significant discussion and a number of comments and recommendations. Senator Ruff expressed concern regarding the discussion of the rights of non-riparian water users in policy item 5. Delegate Wright asked that the language in policy item 6 be strengthened to express that water uses outside of the Roanoke River Basin are subordinate to uses inside of the basin. Mr. Johnson recommended that the Declaration of Policy more clearly describe the financial considerations of purchasing allocations in Kerr Reservoir.

Mr. Charlton asked about North Carolina's inter-basin transfer (IBT) law. Mr. Kudlas provided an overview of North Carolina's IBT law and Virginia's regulatory handling of the IBT issue. North Carolina's law does not prohibit IBTs but makes the process time consuming and costly. Virginia's regulations do not evaluate if a withdrawal is an IBT other than considering the consumptive component of an IBT.

Chairman McEvoy walked through the five allocation scenarios presented in the status report. Mr. Field indicated his support of scenario 3 which is the purchase of the remaining allocation by each state. In this scenario the states would coordinate on a joint policy and planning effort. Senator Ruff expressed concern that North Carolina may not support moving away from the current first come, first served approach because it could affect Raleigh's interest in an allocation in Kerr Reservoir. Delegate Wright expressed interest in a combination of scenario 3 and scenario 5 whereby the localities within the basin and adjacent to Kerr could purchase the allocation as opposed to the States' purchasing the allocation. He stated that the ability to finance the allocation purchase over 30 years would be a key component in the municipalities' ability to purchase the allocation. Mr. Field expressed concern that scenario 5 could result in litigation.

Chairman McEvoy presented three options that were not included in the Status Report; Reservation System, Re-allocation on Periodic Basis, and Peak and Non-Peak

Allocations. Mr. Pace expressed an interest in including the reservation system into scenario 3. Mr. Kudlas stated that the approach that is eventually decided on will likely be a hybrid of several of the options.

The Virginia delegation will express a general interest in a combination of scenarios 3 and 5 at the next RRBBC meeting. Mr. Field requested that elected official members of the VRRBAC not in attendance be updated on the discussions regarding Kerr Reservoir allocation prior to the August RRBBC meeting.

*Lake Interests, Permit Holders, Public Officials and Government Entities, and Roanoke River Interests Subcommittees:* Due to time constraints, the chairs of the remaining subcommittees agreed to postpone reports to the next VRRBAC meeting.

### **Other Business**

Doug Cowther provided an overview of the history and future of nuclear power in Virginia. Mr. Crowther had a 39 year career in the nuclear industry. Mr. Cowther feels that nuclear power represents the United States' best option for improved energy independence. Mr. Crowther fielded questions regarding nuclear power, reconstitution of weapons grade nuclear material, and potential environmental concerns of nuclear power.

Chairman McEvoy asked the Committee to review a copy of an atlas of the Roanoke River and consider funding options for publication. The publishers of the atlas are looking for funding, \$20,000-\$30,000 for publication in order to provide copies to schools and community groups.

Mr. Fields announced a symposium planned for August 19<sup>th</sup> in Clarksville focusing on regulations and laws regarding allocation and operation of Kerr Reservoir. The symposium is focused on local elected officials.

### **Next Meeting Date**

The next VRRBAC meeting will likely be held in conjunction with the RRBBC meeting on August 18<sup>th</sup> in Clarksville. DEQ staff will poll VRRBAC members to confirm a date and time of the next meeting.

Chairman McEvoy adjourned the meeting at approximately 12:30pm.